IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17125 of 1996

Between:

1. B.Chandrayya (died),S/o.late Bangarayya, Age:62 Yrs., Occ:Business-Mine owner, Ramachandrapuram, Ramarajupalli P.O. Cuddapah Mandal and District.

2. B.Lakshmamma (wife of the deceased) R/o.Ramachandrapuram.

The petitioner No.2 brought on record as L.R. of the deceased as per Court order dated 2-4-1998 in W.P.M.P.No.10659 of 1998.

..... PETITIONER

AND

1. The Assistant Director of Mines & Geology, Cuddapah.

2. The Deputy Director of Mines & Geology, Cuddapah.

3. State of A.P., rep.by the Secretary, Industries & Commerce Department, Secretariat Buildings, Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, especially in the nature of writ of Mandamus directing the respondents herein to issue Royalty permits to the petitioner herein in respect of the minerals quarried from the lease-hold areas in Sy.No.501 of U.Rajupalem village, Survey Nos.575/p and 575/4p of Velpula village and survey Nos.1335 of Duvvur village and consequently direct the respondents herein to exclude the areas surrendered from the total lease-hold areas in respect of the leases in Survey No.1335 of Duvvur village, Survey No.575/p and 575/4p of Velpura village for the purpose of levy of Dead Rent and allied cesses or other levies and accordingly revise the assessments and declaring the action of the first respondent in issuing the Lr.No.2767/M3/95, dated 15-7-1996, as illegal, irregular, arbitrary, unjustified, ultra-vires, null and void and quash the same.

Counsel for the Petitioners: MR.Y.NEELA LOHITHA
Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court at the stage of admission made the following Order:

Since the learned counsel for the petitioner represented that he could not contact the petitioner in spite of his best efforts, this Court by order dated 04-09-2002 directed the Registry to issue notice to the petitioner. Accordingly, notice was issued to the petitioner, however, the same was returned un-served. So far, no fresh Vakalat has been filed on behalf of the petitioner. Obviously, the petitioner is not interested in prosecuting the writ petition.

The writ petition is accordingly dismissed for non-prosecution. No costs.

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07-10-2004

kdl

To

1. The Assistant Director of Mines & Geology, Cuddapah.
2. The Deputy Director of Mines & Geology, Cuddapah.
3. State of A.P., rep.by the Secretary, Industries & Commerce Department, Secretariat Buildings, Saifabad, Hyderabad.

4 Two C.Cs. to the Government Pleader for Industries &

Commerce, High Court Buildings, A.P., Hyderabad, (OUT).

5Two C.D. Copies.